

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN PAUL SIMS, individually, and  
on behalf of all others similarly  
situated,

Plaintiff,

v.

METROPOLITAN LIFE  
INSURANCE COMPANY,

Defendant.

NO. C 05-2980 TEH

SCHEDULING ORDER RE:  
BRIEFING AND HEARING  
DATES FOR SUMMARY  
JUDGMENT MOTIONS

The Court is in receipt of Defendant's letter, dated June 30, 2006, reporting on the parties' meet and confer discussions. It has also come to the Court's attention that there was a discrepancy regarding the date established for the filing of the cross summary judgment motions. During the June 30, 2006 telephonic status conference, both parties agreed to file their respective summary judgment motions by July 24, 2006. However, the minute order noted that the cross summary judgment opening briefs were due by July 14, 2006. In keeping with the parties' understanding and agreement, the Court orders that the cross summary judgment opening briefs be filed on or before **July 24, 2006**.


Furthermore, in light of Defendant's compelling request that the Court hear the cross motions for summary judgment and the class certification motion simultaneously, and because Plaintiff has no objection thereto, this Court agrees that proceeding in that manner would be the most efficient way to move forward with this case. The Court will therefore hear both cross motions for summary judgment and the motion for class certification on **September 25, 2006**.

The clarified schedule is therefore as follows:

July 14, 2006	Motion for Class Certification shall be re-filed
July 24, 2006	Cross Motions for Summary Judgment shall be filed
September 1, 2006	Opposition briefs due for Class Certification and Summary Judgment Motions
September 15, 2006	Reply briefs due for Class Certification and Summary Judgment Motions
September 25, 2006 at 10:00 AM	Hearing set for Class Certification and Summary Judgment Motions

**IT IS SO ORDERED.**

Dated: 07/06/06

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT